

IN RE: PETITION FOR RESIDENTIAL VARIANCE\* BEFORE THE  
W/S Hilton Avenue, 400' S of the c/l of Tredegar Avenue  
(500 Hilton Avenue) • ZONING COMMISSIONER  
1st Election District • OF BALTIMORE COUNTY  
1st Councilmanic District • Case No. 91-302-A  
Martin J. Sussman, et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 11 feet in lieu of the minimum required 30 feet for two proposed additions in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9/10 day of March, 1991 that the Petition for Residential Variance to permit a rear yard setback of 11 feet in lieu of the minimum required 30 feet for two proposed additions, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed additions to be converted to a second dwelling unit and/or apartments. The subject dwelling shall contain only one kitchen.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

- 2 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

March 21, 1991

Mr. & Mrs. Martin J. Sussman  
500 Hilton Avenue  
Catonsville, Maryland 21228

RE: PETITION FOR RESIDENTIAL VARIANCE  
W/S Hilton Avenue, 400' S of the c/l of Tredegar Avenue  
(500 Hilton Avenue)  
1st Election District - 1st Councilmanic District  
Martin J. Sussman, et ux - Petitioners  
Case No. 91-302-A

Dear Mr. Howard:-

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 867-3391.

Very truly yours,  
*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

## PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3.C.1. To permit an 11 ft. rear yard setback in lieu of the minimum 30 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty): *Improvement additions are needed to upgrade the residence for the current owners. The property shape unique to the property, and the location of existing improvements, preclude the addition of a second dwelling unit and/or apartments. The relief sought is for the purpose of a second use and conforms with the spirit in which the ordinance was enacted. Granting the relief would permit improvements similar to those in adjacent and nearby properties.*

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	<i>Martin J. Sussman</i>
Signature	<i>Martin J. Sussman</i>
Address	<i>Sylvia E. Sussman</i>
City/State/Zip Code	<i>500 Hilton Avenue (301) 744-7853</i>
Attorney for Petitioners:	Address
(Type or Print Name)	<i>Catonsville, MD 21228</i>
Signature	City/State/Zip Code
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Attorney's telephone number	<i>Martin J. Sussman</i>
	<i>500 Hilton Avenue W-965-1953</i>
	<i>Catonsville, MD 21228 H-744-7853</i>
	Address

ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be posted on the property on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR HELD TO BE HELD, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_.

#### ORDER RECEIVED FOR FILING

Date 3/21/91

By [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY

## AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently or upon settlement will reside at 500 H. Ave. Avenue  
Catonsville, Maryland 21228  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we have the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

*Improvement additions are needed to upgrade the residence for the current owners. The property shape unique to the property, and the location of existing improvements preclude the addition of a second dwelling unit and/or apartments. The relief sought is for the purpose of a second use and conforms with the spirit in which the ordinance was enacted. Granting the relief would permit improvements similar to those in adjacent and nearby properties.*

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

*Martin J. Sussman*  
AFFIANT (Handwritten Signature)  
*Martin J. Sussman*  
AFFIANT (Printed Name)  
*Sylvia E. Sussman*  
AFFIANT (Handwritten Signature)  
*Sylvia E. Sussman*  
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23rd day of January, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

*Martin J. Sussman & Sylvia E. Sussman*  
the Affiant(s) herein, personally known or satisfactorily identified to me as each Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

1-23-91

DATE

By *[Signature]*  
NOTARY PUBLIC

By Commission Expires: 12-1-91

#### DESCRIPTION OF PROPERTY

500 Hilton Avenue, Catonsville, MD 21228

Beginning on the west side of Hilton Avenue, 50 feet wide, at the distance of 400 feet south of the centerline of Tredegar Avenue. Being lot 1 of the subdivision of Oak Ridge, Plat Book 5, Folio 114. Also known as 500 Hilton Avenue, containing .23 acres, in the 1st Election District.

91-302-A

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1st Date of Posting: 2-18-91  
Posted for: Residential Variance  
Petitioner: Martin J. Sussman et ux  
Location of property: W/S of Hilton Avenue, 400' S of Tredegar Avenue  
500 Hilton Avenue  
Location of sign: On front of 500 Hilton Avenue  
Remarks: \_\_\_\_\_  
Posted by: [Signature] Date of return: 2-22-91  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-4190  
Number

receipt

1/29/91 10114729  
PUBLIC HEARING FEE \$17.00  
100 - ZONING VARIANCE (C.R.) \$15.00  
100 - POSTING SIGN \$15.00  
TOTAL \$47.00  
LAST NAME OF GENEAL: Sussman

Please Make Checks Payable To: Baltimore County  
044040033HCHRC  
0440400410(PH)01-29-91  
NEXT BUSINESS DAY \$60.00

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

867-3353

February 13, 1991

Martin and Sylvia Sussman  
500 Hilton Avenue  
Catonsville, Maryland 21228

Re: CASE NUMBER: 91-302-A  
LOCATION: W/S Hilton Avenue, 400' S of c/l Tredegar Avenue  
500 Hilton Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before February 20, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is March 7, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

1/31

G. O. Stephens  
(301) 867-3391

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

February 25, 1991

Mr. & Mrs. Martin J. Sussman  
500 Hilton Avenue  
Catonsville, MD 21228

RE: Item No. 299, Case No. 91-302-A  
Petitioner: Martin J. Sussman, et ux  
Petition for Residential Variance

Dear Mr. & Mrs. Sussman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIANSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this  
29th day of January, 1990.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Martin J. Sussman, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: February 20, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Paul Joseph Chaney, Item No. 296  
Martin J. Sussman, Item No. 299 ✓  
Curtis Turner, Item No. 305  
Church of God at Dundalk, Item No. 313  
Dale A. Poletynski, Item No. 315  
Virgil L. Woodie, Item No. 317

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMSVAR.JL/ZAC1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: February 22, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for February 19, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 296, 299, 302, 305, 312, 313, 314, 315 and 317.

For Items 300 and 316, County Review Group Comments are required.

For Item 310 the previous County Review Group Comments are still applicable.

For Item 307, the previous minor subdivision comments are still applicable.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

received  
3/28/91

91-302-A MAR 7 1991  
Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: MARTIN J. SUSSMAN  
Location: #500 HILTON AVENUE  
Item No.: 299 Zoning Agenda: FEBRUARY 19, 1991

Gentlemen:

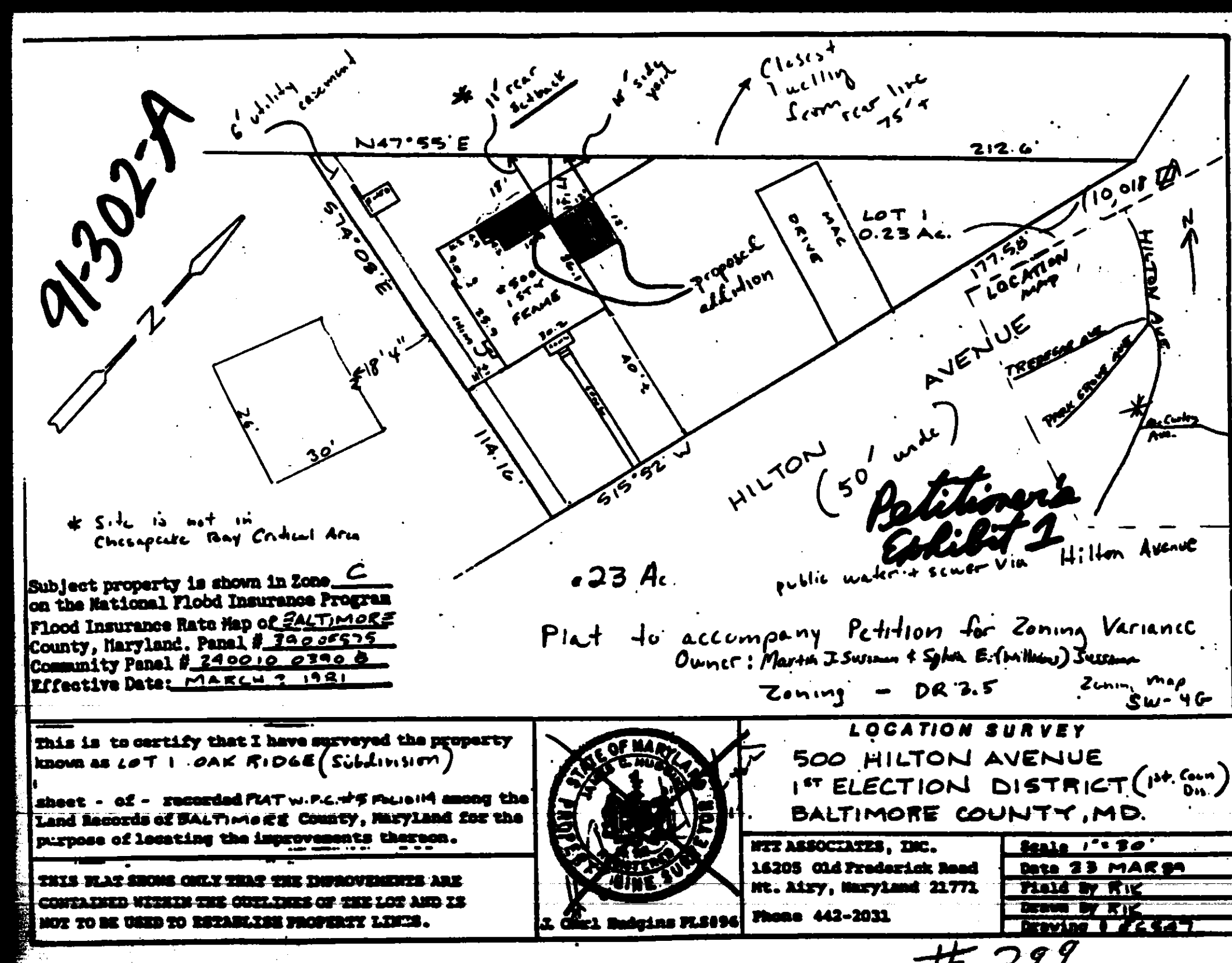
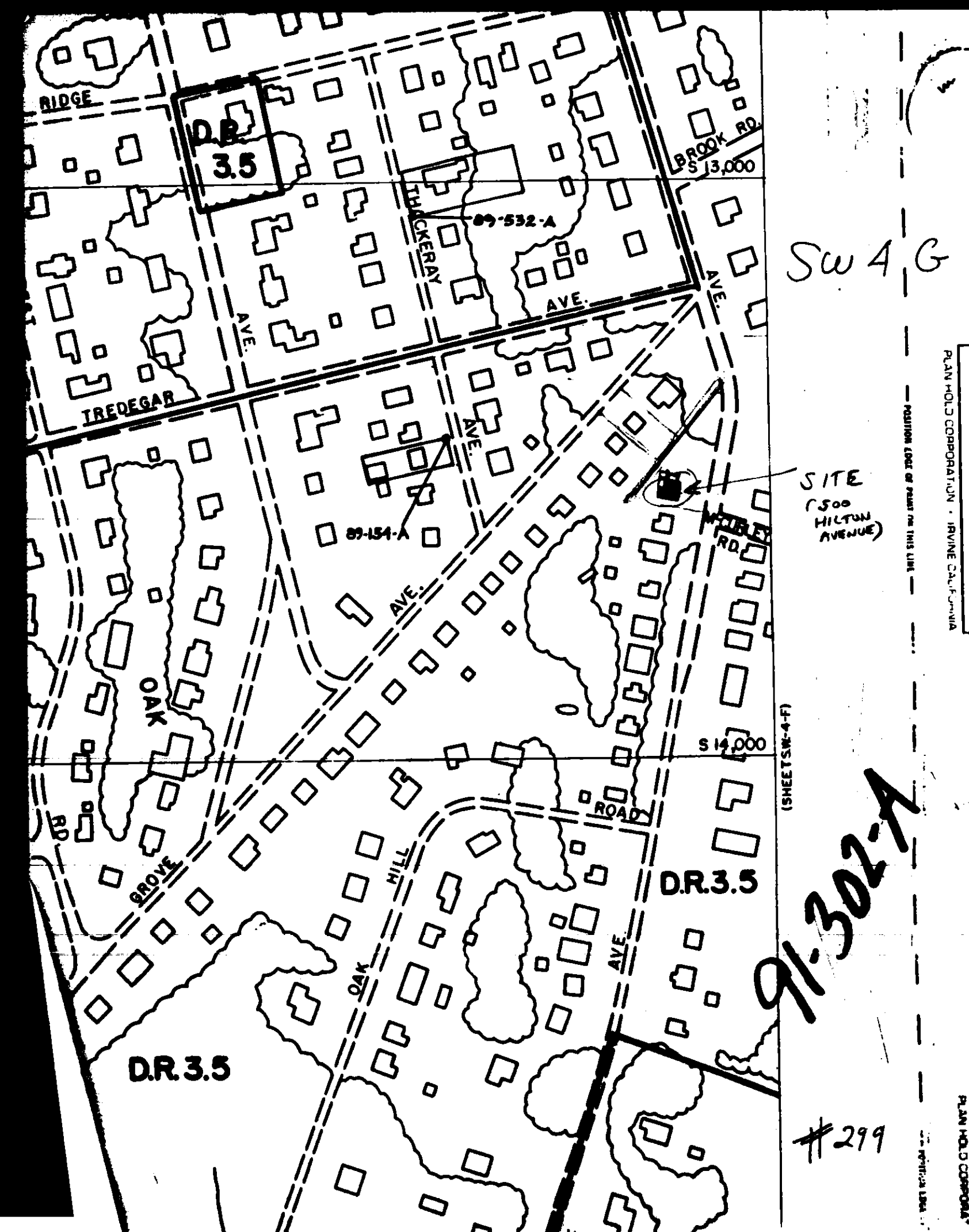
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

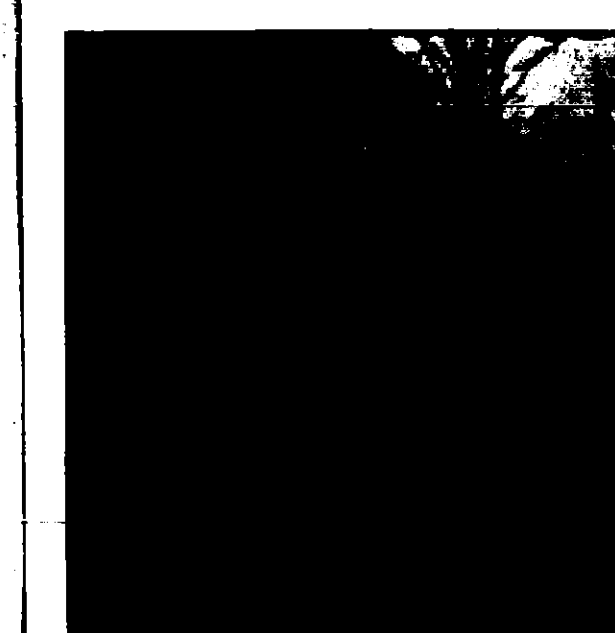
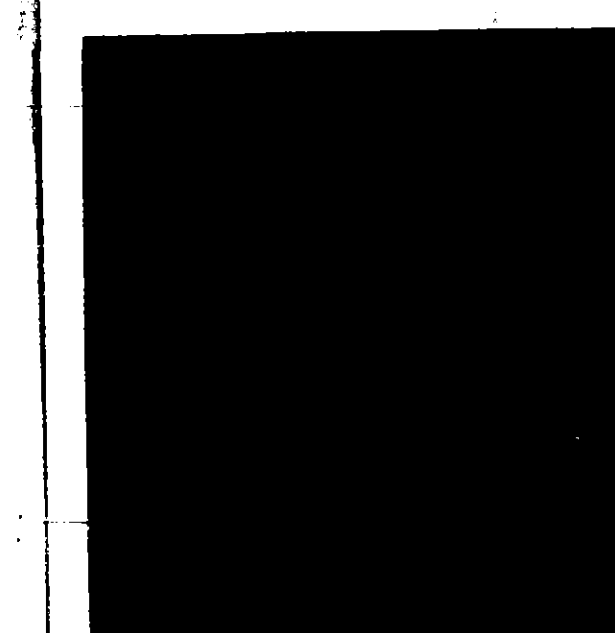
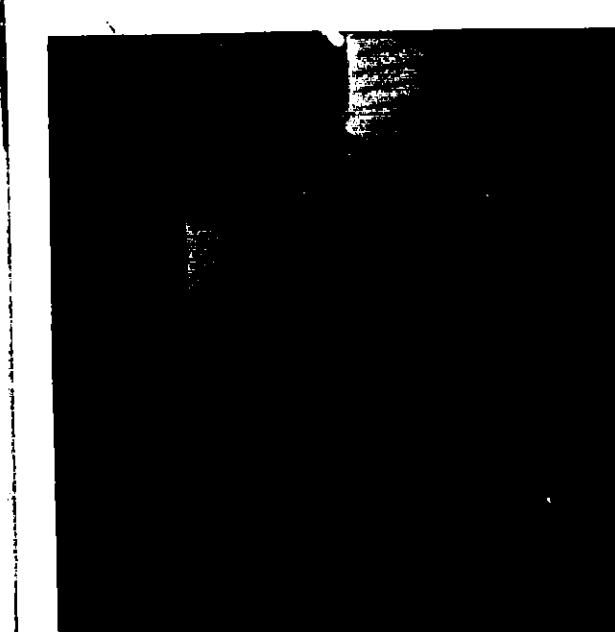
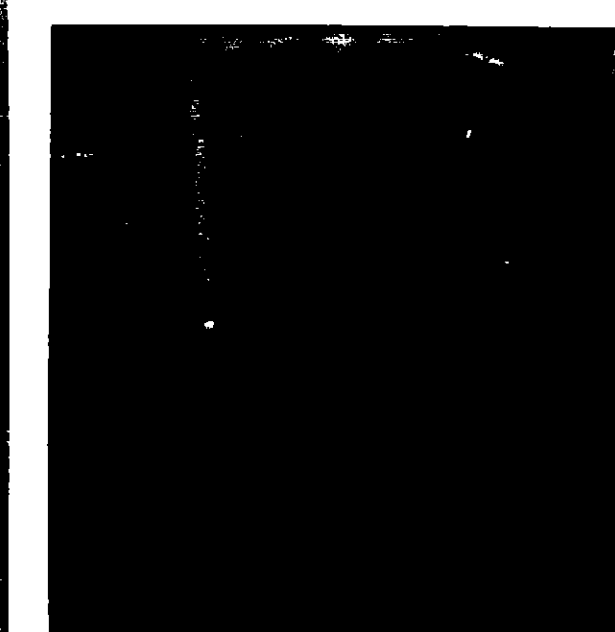
REVIEWER: *John J. Kelly* 2-79 Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/REK

received  
3/11/91



CASE #: 91-302-A



PETITIONER'S EXHIBIT #2





91-302-A

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'	CATONSVILLE	SW
DATE OF PHOTOGRAPHY JANUARY 1986	#299	4-G